

MONTANA LEGISLATIVE HISTORY

Chapter 253 19 55

Bill H 230 S _____ Original bill & history C

H. Committee on Workmen's Compensation

Hearing Date(s) Feb 03 ☒ C

Feb 10 ☒ C

Feb 12 ☒ C

_____ C

Date Out Feb 12 ☒ C

S. Committee on Labour and Compensation

Hearing Date(s) Feb 25 ☒ C

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Feb 25 ☒ C

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

February 3, 1955

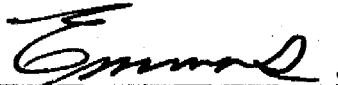
COMMITTEE ON WORKMEN'S COMPENSATION

A meeting of the Workmen's Compensation Committee was called to order at 1:30 p.m. on February 3, 1955. Roll call was taken and the following members were present: Emmons, chairman; Clark, Cumming, Lee, Mangan, Reardon, Chaffin, Gebhardt, Haines, and Nybo.

The chairman said the House Bills No. 217, 230, 263, and 343 would be discussed. He then introduced the following people who would discuss the bills: Sister Mary Victoria, St. John's Hospital of Helena; Sister Theresa, Columbus Hospital, Great Falls; C. K. Shyro, Deaconess Hospital of Great Falls; Clarence Moore, Memorial Hospital, Missoula; Robert D. Lane, St. Vincent's, Billings, representing the Montana Hospital Association; Robert Howe, Deaconess Hospital, Billings; and Mr. Wheeler, Deaconess Hospital, Billings.

Much discussion was given to the hospitalization clauses in House Bills 217, 230, 263, and 343.

There being no further business it was moved, seconded, and carried that the meeting adjourn. The meeting adjourned at 2:00 p.m.



John Emmons, Chairman

Attach: There is attached a sheet giving examples of Industrial Accident cases.

Billing Macaouss Hospital
Billing, Mont.
INDUSTRIAL ACCIDENT CASES

1952

C. Ronald Rolison - total bill	\$ 2598.95
I.A.B. paid	<u>676.83</u>
Loss	\$ 1922.12

1953

Glenn Pierson - total bill	\$ 1275.90
I.A.B. paid	<u>47.15</u>
Loss	\$ 1228.75

George Malouff - total bill	\$ 748.55
I.A.B.	<u>697.40</u>
Loss	\$ 51.15

1954

Thomas Furness - total bill	\$ 2555.70
I.A.B. paid	<u>1012.98</u>
Loss	\$ 1542.72

1955

George R. Klepich - to date	\$ 920.45
Kenneth Marshall - to date	937.10

COMMITTEE ON WORKMEN'S COMPENSATION

A meeting of the Workmen's Compensation committee was called to order at 4:30 p.m. on February 10, 1955, in the Governor's reception room. Roll call was taken and the following members were present: Emmons, chairman; Lee, Picotte, Siderius, Chaffin, Gebhardt, Taylor, Haines of Missoula, Haines of Prairie, and Nybo.

Chairman Emmons brought up House Bills 217, 230, 263, and 343. The following were then introduced who were proponents of the bills.

Robert Weller representing the Lumber and Sawmill Workers Unions in Montana: The weekly compensation benefits provided in the State of Montana are far too low for the injured worker and his family, I believe, when he is going to be injured for a long time. I understand there is a bill here that will provide a \$2.00 increase in compensation rates, to me it is ridiculous. If the able bodied workman is increased to \$3.00 per week, the disabled should be entitled to a greater increase. A \$4 or \$5 increase across the board is alright for a single man. A man with a wife may get by but a man with a wife and two or three children cannot. In addition the time limit for which he is eligible for compensation is way too short. Some people can be restored to usefulness if they are able to have expensive surgery. (He then gave an example of how this could be.) I hope that this committee will see fit to increase these rates. The industrial accident board should be allowed some discretion in these cases.

Ernest Salvos representing Mine, Mill and Smelter Workers Unions throughout the State: I am going to confine my remarks mainly to House Bill 343. This bill I believe takes and changes the present law in most of the greater discrepancies that it has now. One is the removal from the law of the limitations on weekly payments and puts it strictly on the weekly wage graduated according to dependency. The worker should receive the portion of his wages which will provide a reasonable standard of living. One of the serious discrepancies in the present law is the limitation on the period of payments that are made. This bill will remove those limitations and put the obligations on industry. I don't believe society should have to assume these burdens that have been caused on the job. We hope that you will see fit to adopt the changes of the present law.

Albert Root representing the Montana Federation of Labor: This bill can best be explained by saying that it raises the maximum weekly benefit amount by \$4. It provides that if the dependents increase, there would be an allowance under this bill. It proposes to tighten up the payments under burial expenses by providing that no payment shall be made under this section without the approval of the board. The reason for this is that we know of some cases where the funeral expenses were collected for more than once. This bill proposes to amend the present law for the time that an injured workman may receive hospital and medical benefits to two years. In many cases an injured employee doesn't have time to get the proper care in one year. It also provides for raising the medical and hospital allowances. This is the bill, House Bill 263, that should be considered.

Charles Huppe, counsel for Montana Federation of Labor: Mr. Huppe explained the benefits of House Bill 217 especially in the case of death. He then spoke on the Goodgame bill which supports a maximum weekly compensation of \$25 per week which he believed was only a 50 percent raise.

Archer Taylor of Missoula: Mr. Taylor was injured while working at the university and presented his bill showing why he thought workmen's compensation should be raised.

The following then spoke as opponents of the bills.

Sam Goza appearing in behalf of the employers councils of Whitefish, Missoula, Kalispell, Great Falls, Bozeman, Butte, and Helena. He also said the following wished to be on the record as opposed to these bills:

Walter J. Howard, Montana Retail Lumber Dealers Association,
Norman Blevins, Montana Hardware and Implement Dealers Association,
Jack Marlow, Montana Contractors' Association,
M. E. Evanson, Associated Industries, Billings,
Milton Gunn, Great Western Sugar Company,
William Kirkpatrick, ACM Company and Montana Power Company,
Ty Robinson, Missoula Mercantile Company, Kalispell Mercantile Company,
H. J. Luxan, Association of Casualty and Surety Companies, and
Carl Trauerman, Mining Association of Montana.

Wm. Kirkpatrick, attorney in the employ of the ACM and Montana Power: First he briefly reviewed the purpose of the Workmen's Compensation. He read a statement by Arthur Larson, under secretary of the Department of Labor. He brought out that the workmen's compensation law was enacted in 1915 and since that time the rates have been changed seven times from the original rate of \$10, weekly maximum and increased to \$11 by 1947. Since 1947 the rates have been increased a total of \$9.50 and now the maximum rates are \$30.50. House Bill 230 proposes an increase of \$2 a week. That increase would amount to a percentage increase of 6.5 percent for the maximum weekly rate. House Bill 363 proposes an across the board increase of \$4 a week, an increase in the present maximum weekly payments of 13 percent. House Bill 217 provides for a maximum increase of \$6 for each dependent, which would be an increase of 80 percent in the present compensation rates. The Lee bill provides for an increase on a percentage basis of a maximum weekly compensation of 66 2/3 percent. This would more than take care of any increase in the cost of living. If this bill were enacted we know we would be forced to a considerable increase in the cost of living. Now the other three bills would provide weekly rate increases which in my judgment are excessive and which are entirely ungranted at this time. He then set forth other portions of each of the bills ^{that} would not conform to their ideas.

Walter J. Howard then spoke briefly opposing the bills. He did feel that House Bill 230 seemed to be reasonable.

Carl Trauerman then spoke in opposition on behalf of the Mining Association of Montana.

Charles Huppe spoke in opposition to Section 7 of House Bill 230, (he cited several cases and read from a law book in opposition to this section).

The proponents then gave rebuttal.

Mr. Robert Harris, representative of the carpenter unions in Montana, and Charles Huppe spoke in rebuttal.

Opponents:

Mr. Kirkpatrick spoke in rebuttal for the opponents.

There being no further business, it was duly moved, seconded and carried that the meeting adjourn. The meeting adjourned at 6:30 p.m.


Emmons, Chairman

February 12, 1955

COMMITTEE ON WORKMEN'S COMPENSATION

A meeting of the Workmen's Compensation Committee was called to order at 1:00 p.m. on February 12, 1955. Roll call was taken and the following members were present: Emmons, chairman; Clark, Cumming, Lee, Mangan, Picotte, Reardon, Siderius, Chaffin, Gebhardt, Taylor, Haines of Missoula, Haines of Prairie, and Nybo.

Chairman Emmons brought up House Bills No. 217, 230, 343, and 263 which were to be acted on.

Mr. Lee moved that House Bills No. 217, 230, 343, and 263 be put in a subcommittee and they bring out one bill to cover these. Seconded by Mr. Mangan. There was much discussion.

Mr. Reardon then made a substitute motion that House Bill 230 be recommended as do pass. Seconded by Nybo. There was more discussion concerning these bills and the chairman read a suggested amendment to House Bill 230.

Mr. Picotte then made a motion that House Bill 230 be amended by striking all of the underlined matter on page 12 of the original bill on lines 12 to 16 and that said bill be further amended in line 13 on page 8 following the word and period "Act." the following words and figures: "These limitations shall not apply in cases of temporary total and permanent total disability in which cases the board may order such additional treatment and care as in its judgment is reasonable and necessary, not exceeding in amount the sum of one thousand dollars (\$1,000.00)." and as so amended House Bill 230 do pass. This was seconded by Mr. Cumming and carried.

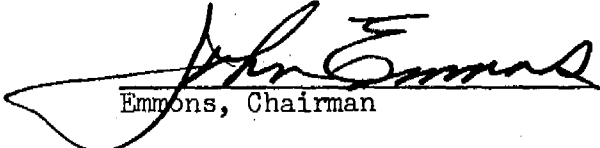
Mr. Chaffin then moved that House Bill 343 do not pass. Seconded by Mr. Haines of Missoula and carried.

Mr. Cumming moved that House Bill 217 do not pass. Seconded by Mr. Gebhardt and carried.

Mr. Gebhardt moved that House Bill 263 do not pass. Seconded by Mr. Nybo and carried.

Mr. Picotte then made a subcommittee report on House Bill 14 and some suggested amendments thereto. Mr. Siderius then moved that House Bills 14 and 204 be delayed until Monday, February 14, 1955. Seconded by Mr. Gebhardt.

There being no further business, it was moved, seconded and carried that the meeting adjourn. The meeting adjourned at 1:45 p.m.


Emmons, Chairman

SENATE COMMITTEE ON
LABOR AND COMPENSATION

The 11th meeting of the Senate Committee on Labor and Compensation was called to order by Chairman Nutter in room 402 at 1:10pm February 25, 1955 with all members present.

House Bill #230 was first on the agenda for discussion. Senator Nutter explained that House Bill #196 had been killed and that we were proposing an amendment to 230 which would incorporate some of the matter from 196 into the bill. Senator Wallace moved that we adopt the amendments to the bill. Senator Anderson seconded. Motion carried. Senator Wallace moved that we further amend the bill in line 6 section 7 page 9 of the printed bill (RE: committee report). Senator Taylor seconded the motion. Motion carried. Senator Wallace further moved that we concur in the bill as amended. Senator Rice seconded. Motion carried.

House Bill #330 up next for discussion, and Mr. Sam D. Goza representing Small Employers' Councils from Butte, Helena, Great Falls, Kalispell, Bozeman, Billings and Missoula was on hand to speak. He stated that this bill protects the employer and the employee, in that the employee when injured must report any small injury no matter how small to the employer within 30 days, and the employer can take steps to get medical aid for it. He then must make a report to the Industrial Accident board for payment of the injury. There are four states that require the injury to be reported immediately. 18 states, like Montana allow a 30 day period to lapse before the deadline, and 8 states that allow that an injury should be reported as soon as possible. "We have gone along with the provisions in #230, and I think the "little guys" surely deserve your support and help!" After which Mr. Goza was excused from the room, and Senator Taylor moved that we do not concur in House Bill #330. Senator Jellison seconded the motion. Vote, one no (Anderson, Lincoln)

House Bill #374 was up for discussion next, and Senator Manning moved that we call in the authors to give them a chance to explain the provisions of the bill. It has to do with the working hours of the Guards at the Penitentiary (State). Senator Brewer seconded the motion. Motion carried.

House Bill #204. Senator Nutter brought in some proposed amendments for the committee's approval. The amendments would strike out the words "public or" in Subsection C, Section 1 on the original bill. Senator Rice moved that we adopt the amendments. Senator Wallace seconded. Motion carried.

After which the meeting was adjourned.


Chairman by Sara Cashey

Residence.

of Montana for ten (10) years, or more, immediately preceding the date of the application.

Not in public institution.

(c) *Has silicosis and is entitled to payments under this act, but who is not at the time of receiving a payment an inmate of a penal institution, or is not a patient or inmate of any institution for the treatment of mental diseases, or is not a patient in a medical institution as a result of having been diagnosed as having a psychosis.* If the person to whom payment has been ordered to be paid is an inmate of Montana state tuberculosis sanatorium, then and in that case the payment herein provided for shall be made to his wife and children, if any.

Except T. B. hospital.

(d) Is not receiving, with respect to any month for which he would receive a payment under this act, compensation under the workmen's compensation act of the State of Montana, which will equal the sum of sixty-five dollars (\$65.00), hereunder. If he is receiving payments under the workmen's compensation act which is less in the aggregate than sixty-five dollars (\$65.00), then he is entitled to a payment under this act of the difference between the amount received under the workmen's compensation act and sixty-five dollars (\$65.00) per month."

Limitations if under workmen's compensation.

Amending clause.

Section 2. That section 71-1004 of the Revised Codes of Montana of 1947, as amended by section 2, chapter 192 of the session laws of the thirty-first legislative assembly of Montana of 1949, and as amended by section 1, chapter 204 of the session laws of the thirty-third legislative assembly of Montana of 1953, be, and the same is hereby amended to read as follows:

Amount of payments.

"71-1004. **Amounts of Payments.** Subject to the provisions of this act and the deductions herein provided, any person who has silicosis, as defined in this part, and who has, subject to the regulations and standards of the state and county departments, been determined by the state department to be entitled to a payment under this part for silicosis, shall be granted a payment by the said state department of sixty-five dollars (\$65.00) per month subject to such appropriations as may from time to time be made. The legislature shall authorize such additional appropriations as may be necessary to make the increased monthly payments provided herein."

Amount increased.

Section 3. That section 71-1008 of the Revised Codes of Montana of 1947, as amended by section 3, chapter 192 of the session laws of the thirty-first legislative assembly of Montana of 1949, and as amended by section 2, chapter 204 of the session laws of the thirty-third legislative assembly of Montana of 1953, be, and the same is hereby amended to read as follows:

Amending clause.

"71-1008. **Conformity With Acts of Federal Government.** If and when the government of the United States makes grants to states in aid of and allowing payments to persons having silicosis, as herein defined, the public welfare department of the State of Montana is hereby authorized to administer in the State of Montana such grants in aid and payments in addition to grants made by this act. The total payments to any individual under this act shall not exceed sixty-five dollars (\$65.00) per month exclusive of any grants made by congress."

Conformity with federal acts.

Any federal grant is additional.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Effective immediately.

Approved March 10, 1955.

CHAPTER 253

An Act to Amend Sections 92-701, 92-702, 92-703, 92-704, 92-706 and 92-709 of the Revised Codes of Montana of 1947, as Amended by Chapter 38 of the Laws of Montana of 1953, and Section 92-708 of the Revised Codes of Montana of 1947, Relating to Increases in Workmen's Compensation in Cases of Temporary Total, Permanent Total and Partial Disabilities, Injury Causing Death, Specific Injuries, Medical and Hospital Services and Other Treatment, and Relating to Compensation Running Consecutively, Major and Minor Dependents Not Residing in United States and Manner of Payment, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 92-701 of the Revised Codes of Montana of 1947, as amended by chapter 38 of the laws

Amending clause.

of Montana of 1953, be, and the same is hereby amended to read as follows:

Rates for
temporary
total disability.

“92-701. **Compensation for Injury Producing Temporary Total Disability.** For an Injury Producing Temporary Total Disability. Where the injured employee has no wife, child, father, mother, brother or sister residing within the United States who would be entitled to compensation in case of his death, fifty per centum (50%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *twenty-six and 50/100 dollars (\$26.50)* per week; where the injured employee has a wife, or child, or father, or mother, or brother or sister residing within the United States, who would be entitled to compensation in case of his death, fifty-five per centum (55%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *twenty-eight and 50/100 dollars (\$28.50)* per week; where the injured employee has a wife and one (1) child, or two (2) children, or a father and mother, or two (2) or more brothers and/or sisters residing within the United States who would be entitled to compensation in case of his death, sixty per centum (60%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *twenty-nine and 50/100 dollars (\$29.50)* per week; where the injured employee has a wife and two (2) children, or three (3) children residing within the United States who would be entitled to compensation in case of his death, sixty-two and one-half per centum (62½%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *thirty and 50/100 dollars (\$30.50)* per week; where the injured employee has a wife and three (3) children, or four (4) children residing within the United States who would be entitled to compensation in case of his death, sixty-five per centum (65%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *thirty-one and 50/100 dollars (\$31.50)* per week; where the injured employee has a wife and four (4) or more children, or five (5) or more children residing in the United States who would be entitled to compensation in case of his death, sixty-six and two-thirds per centum (66 2/3%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *thirty-two and 50/100 dollars (\$32.50)*

per week, and subject in all cases to a minimum compensation of *nineteen and 50/100 dollars (\$19.50)* per week, and subject to change when the number of beneficiaries or dependents decreases. Such compensation shall be paid during the period of disability, but for the period not exceeding three hundred (300) weeks from the date of injury.”

Section 2. That section 92-702 of the Revised Codes of Montana of 1947, as amended by chapter 38 of the laws of Montana of 1953, be, and the same is hereby amended to read as follows:

Amending
clause.

“92-702. **Compensation for Injury Producing Total Disability Permanent in Character.** For an Injury Producing Total Disability Permanent in Character. Where the injured employee has no wife, child, father, mother, brother or sister residing within the United States who would be entitled to compensation in case of his death, fifty per centum (50%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *twenty-six and 50/100 dollars (\$26.50)* per week; where the injured employee has a wife, or child, or father, or mother, or brother or sister residing within the United States who would be entitled to compensation in case of his death, fifty-five per centum (55%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *twenty-eight and 50/100 dollars (\$28.50)* per week; where the injured employee has a wife and one (1) child, or two (2) children, or a father and mother, or two (2) or more brothers and/or sisters, residing within the United States who would be entitled to compensation in case of his death, sixty per centum (60%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *twenty-nine and 50/100 dollars (\$29.50)* per week; where the injured employee has a wife and two (2) children, or three (3) children residing within the United States who would be entitled to compensation in case of his death, sixty-two and one-half per centum (62½%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *thirty and 50/100 dollars (\$30.50)* per week; where the injured employee has a wife and three (3) children, or four (4) children residing within the United States who would be entitled to compensation in case of his death, sixty-five per

Rates for
permanent
total disability.

centum (65%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *thirty-one and 50/100 dollars (\$31.50)* per week; where the injured employee has a wife and four (4) children, or five (5) or more children residing within the United States who would be entitled to compensation in case of his death, sixty-six and two-thirds per centum (66 2/3%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *thirty-two and 50/100 dollars (\$32.50)* per week; and subject in all cases to a minimum compensation of *nineteen and 50/100 dollars (\$19.50)* per week; and subject to change when the number of beneficiaries or dependents decreases. Such compensation shall be paid during the period of disability, but for the period not exceeding five hundred (500) weeks from the date of injury."

Amending
clause.

Section 3. That section 92-703 of the Revised Codes of Montana of 1947, as amended by chapter 38 of the laws of Montana of 1953, be, and the same is hereby amended to read as follows:

Rates for
partial
disability.

"92-703. **For Partial Disability — For an Injury Producing Partial Disability.** Where the injured employee has no wife, child, father, mother, brother or sister residing within the United States who would be entitled to compensation in case of his death, fifty per centum (50%) of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of *twenty-six and 50/100 dollars (\$26.50)* per week; where the injured employee has a wife, or child, or father, or mother, or brother or sister residing within the United States who would be entitled to compensation in case of his death, fifty-five per centum (55%) of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of *twenty-eight and 50/100 dollars (\$28.50)* per week; where the injured employee has a wife and one (1) child, or two (2) children, or a father and mother, or two (2) or more brothers and/or sisters residing within the United States who would be entitled to compensation in case of his death, sixty per centum (60%) of the difference between the wages received at the time of the injury and the wages that such injured

employee is able to earn thereafter, subject to a maximum compensation of *twenty-nine and 50/100 dollars (\$29.50)* per week; where the injured employee has a wife and two (2) children, or three (3) children residing within the United States who would be entitled to compensation in case of his death, sixty-two and one-half per centum (62 1/2%) of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of *thirty and 50/100 dollars (\$30.50)* per week; where the injured employee has a wife and three (3) children, or four (4) children residing within the United States who would be entitled to compensation in case of his death, sixty-five per centum (65%) of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of *thirty-one and 50/100 dollars (\$31.50)* per week; where the injured employee has a wife and four (4) or more children, or five (5) or more children residing within the United States who would be entitled to compensation in case of his death, sixty-six and two thirds per centum (66 2/3%) of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of *thirty-two and 50/100 dollars (\$32.50)* per week; not exceeding, however, the maximum compensation allowed in cases of total disability, and not exceeding the total compensation provided in this act for the total loss of the member causing such partial disability. Such compensation shall be paid during the period of disability, not exceeding, however, five hundred (500) weeks in cases of permanent partial disability, and fifty (50) weeks in cases of temporary partial disability, subject to change when the number of dependents decreases."

Section 4. That section 92-704 of the Revised Codes of Montana of 1947, as amended by chapter 38 of the laws of Montana of 1953, be, and the same is hereby amended to read as follows:

Amending
clause.

"92-704. **Compensation for Injury Causing Death.** For beneficiaries residing within the United States: Where decedent leaves one (1) beneficiary, fifty per centum (50%) of the wages received at the time of the injury,

Rate for death.

subject to a maximum compensation of *twenty-six and 50/100 dollars (\$26.50)* per week; where decedent leaves two (2) beneficiaries, fifty-five per centum (55%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-eight and 50/100 dollars (\$28.50)* per week; where decedent leaves three (3) beneficiaries, sixty per centum (60%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-nine and 50/100 dollars (\$29.50)* per week; where decedent leaves four (4) beneficiaries, sixty-two and one-half per centum (62½%) of the wages received at the time of the injury, subject to a maximum compensation of *thirty and 50/100 dollars (\$30.50)* per week; where decedent leaves five (5) beneficiaries, sixty-five per centum (65%) of the wages received at the time of the injury, subject to a maximum compensation of *thirty-one and 50/100 dollars (\$31.50)* per week; where decedent leaves six (6) or more beneficiaries, sixty-six and two-thirds per centum (66 2/3%) of the wages received at the time of the injury, subject to a maximum compensation of *thirty-two and 50/100 dollars (\$32.50)* per week; and subject in all such cases to a minimum compensation of *nineteen and 50/100 dollars (\$19.50)* per week.

“For beneficiaries residing outside of the United States: Where decedent leaves one (1) beneficiary, forty per centum (40%) of the compensation which would be payable to such beneficiary, if residing within the United States; where decedent leaves two (2) beneficiaries, forty-five per centum (45%) of the compensation which would be payable to such beneficiaries, if residing within the United States; where decedent leaves three (3) beneficiaries, forty-seven and one-half per centum (47½%) of the compensation which would be payable to such beneficiaries, if residing within the United States; where decedent leaves four (4) or more beneficiaries, fifty per centum (50%) of the compensation which would be payable to such beneficiaries, if residing within the United States.

“If decedent leaves no beneficiaries, then compensation shall be payable as follows: To his major dependents, if any, residing in the United States at the date of the happening of the injury; where decedent leaves one (1) major dependent, fifty per centum (50%) of the wages received at the time of the injury, subject to a maximum compensa-

tion of *twenty-six and 50/100 dollars (\$26.50)* per week; where decedent leaves two (2) major dependents, fifty-five per centum (55%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-eight and 50/100 dollars (\$28.50)* per week.

“If the decedent leaves no major dependents, compensation shall be payable to his minor dependents, if any, if residing within the United States at the time of the happening of the injury, as follows: Where decedent leaves one (1) minor dependent, thirty per centum (30%) of the wages received at the time of the injury; where decedent leaves two (2) minor dependents, thirty-five per centum (35%) of the wages received at the time of the injury; where decedent leaves three (3) or more minor dependents, forty per centum (40%) of the wages received at the time of the injury.

“All such payments of compensation provided for in this section shall be subject to a maximum compensation of *thirty-two and 50/100 dollars (\$32.50)* per week for a period not exceeding five hundred (500) weeks and subject to change when the number of beneficiaries or dependents decreases, and provided, further, that compensation payable to major or minor dependents shall not exceed the amount of the dependency.”

Section 5. That section 92-706, Revised Codes of Montana, 1947, as amended by chapter 41 of the session laws of 1949, as amended by chapter 38 of the session laws of 1953, be, and the same hereby is amended to read as follows:

“92-706. (2917) **Medical and Hospital Services and Such Other Treatment as Approved by the Board, to be Furnished.** In addition to the compensation provided by this act and as an additional benefit separate and apart from compensation, the following shall be furnished:

“During the first *eighteen (18)* months after the happening of the injury, the employer or insurer or the board, as the case may be, shall furnish reasonable services by a physician or surgeon, reasonable hospital services and medicines when needed, and such other treatment approved by the board, not exceeding in amount the sum of *twenty-five hundred dollars (\$2500.00)*; *provided however, that in cases of total disability where apportionment of such sum does not meet all hospitalization expenses, the board may*

Amending
clause.

Medical and
hospital
allowance.

Time increased.

Amount
increased.

Proviso—
additional
hospital
expense.

allow an additional amount up to one thousand dollars (\$1,000.00) for such additional hospital expenses. The employer or insurer or the board shall not be required to furnish such services if the employee refuses to allow them to be furnished or if the employee is under hospital contract as provided in section 92-610 (2907) of this act.

Hospital
contract,
facilities
inadequate.

"When such employee is under a hospital contract as above and when hospital and medical facilities or both are inadequate to the needs of an injured employee in a particular case such injured employee may, anytime, be placed where adequate hospital facilities are obtainable, and the cost thereof in whole or in part shall be a legal charge against the one so contracting to furnish hospital facilities, and the amount of such charge and the necessity therefor shall be determined by the board.

Artificial
members.

"And be it further provided, that where an injury arising out of and received in the course of employment necessarily results in the loss by amputation of an arm, hand, leg or foot, or the enucleation of an eye, or the loss of any of the natural teeth, the industrial accident board may, in its discretion, order that an artificial member be furnished to supply the loss of any such member or members so lost. Such artificial member shall be furnished at the expense of the employer, operating under plan one, or the insurer, operating under plan two, or the industrial accident fund where the employer is operating under plan three. The expense of furnishing any such member shall not exceed the following amounts: Hand or arm to elbow—two hundred fifty dollars (\$250.00). Arm above elbow—three hundred dollars (\$300.00). Foot or leg—two hundred fifty dollars (\$250.00). Eye—twenty-five dollars (\$25.00). Teeth—one hundred seventy-five dollars (\$175.00). The replacement of an artificial member so furnished shall be required every five (5) years, if necessary."

Amending
clause.

Section 6. That section 92-709 of the Revised Codes of Montana of 1947, as amended by chapter 38 of the laws of Montana of 1953, be, and the same is hereby amended to read as follows:

Specified
injury
schedule.

"92-709. **Compensation in Case of Specified Injuries.** In case of the following specified injuries, the compensation in lieu of any other compensation provided by this act, shall be as follows: Where the injured employee has

no wife, child, father, mother, brother or sister residing within the United States who would be entitled to compensation in case of his death, fifty per centum (50%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-six and 50/100 dollars (\$26.50)* per week; where the injured employee has a wife, or child, or father, or mother, or brother or sister residing within the United States who would be entitled to compensation in case of his death, fifty-five per centum (55%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-eight and 50/100 dollars (\$28.50)* per week; where the injured employee has a wife and one (1) child, or two (2) children, or a father and mother, or two (2) or more brothers and/or sisters residing within the United States who would be entitled to compensation in case of his death, sixty per centum (60%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-nine and 50/100 dollars (\$29.50)* per week; where the injured employee has a wife and two (2) children, or three (3) children residing within the United States who would be entitled to compensation in case of his death, sixty-two and one-half per centum (62½%) of the wages received at the time of the injury, subject to a maximum compensation of *thirty and 50/100 dollars (\$30.50)* per week; where the injured employee has a wife and three (3) children, or four (4) children residing within the United States who would be entitled to compensation in case of his death, sixty-five per centum (65%) of the wages received at the time of the injury, subject to a maximum compensation of *thirty-one and 50/100 dollars (\$31.50)* per week; where the injured employee has a wife and four (4) or more children, or five (5) or more children residing within the United States who would be entitled to compensation in case of his death, sixty-six and two-thirds per centum (66 2/3%) of the wages received at the time of the injury, subject to a maximum compensation of *thirty-two and 50/100 dollars (\$32.50)* per week, subject to change when the number of beneficiaries or dependents decreases, and subject in all cases to a minimum compensation of *nineteen and 50/100 dollars (\$19.50)* per week, and shall be paid for the following periods:

For loss of:

One arm at or near shoulder 250 weeks

One arm at the elbow	225 weeks
One arm between wrist and elbow	200 weeks
One hand	187 weeks
One thumb and the metacarpal bone thereof	75 weeks
One thumb at the proximal joint	37 weeks
One thumb at the second distal joint	25 weeks
One first finger and the metacarpal bone thereof	37 weeks
One first finger at the proximal joint	25 weeks
One first finger at the second joint	18 weeks
One first finger at the distal joint	12 weeks
One second finger and the metacarpal bone thereof	37 weeks
One second finger at the proximal joint	18 weeks
One second finger at the second joint	12 weeks
One second finger at the distal joint	6 weeks
One third finger and the metacarpal bone thereof	25 weeks
One third finger at the proximal joint	15 weeks
One third finger at the second joint	10 weeks
One third finger at the distal joint	5 weeks
One fourth finger and the metacarpal bone thereof	15 weeks
One fourth finger at the proximal joint	11 weeks
One fourth finger at the second joint	7 weeks
One fourth finger at the distal joint	4 weeks
One leg at or near the hip joint as to preclude the use of an artificial limb	250 weeks
One leg at or above the knee where stump remains sufficient to permit the use of an artificial limb	187 weeks
One leg between knee and ankle	175 weeks
One foot at the ankle	156 weeks
One great toe with the metatarsal bone thereof	37 weeks
One great toe at the proximal joint	18 weeks
One great toe at the second joint	12 weeks
One toe other than the great toe with the metatarsal bone thereof	15 weeks
One toe other than the great toe at the proximal joint	7 weeks
One toe other than the great toe at second or distal joint	4 weeks
One eye by enucleation	150 weeks
Total blindness of one eye	125 weeks

Total loss of hearing, one ear	25 weeks
Total loss of hearing, both ears	150 weeks

"The loss of both hands, or both arms, or both feet, or both legs, or both eyes, or any two thereof, in one accident, in the absence of conclusive proof to the contrary shall constitute total disability, permanent in character. Provided, however, that the percentage of permanent disability caused by any single accident or injury shall be so computed as to cover the permanent disability caused by that particular injury without reference to any previous physical ailment or defect or to any injury previously suffered or any permanent disability caused thereby; provided, that no payment under this section shall be in lieu of the separate benefit of medical and hospital services."

Section 7. That section 92-708 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

"92-708. (2919) **Compensation to Run Consecutively — Major and Minor Dependents Not Residing in the United States — Manner of Payment.** Compensation shall run consecutively and not concurrently and payment shall not be made for two (2) classes of disability over the same period, *provided that the total period over which compensation shall be payable for two or more classes of disability, including death, resulting from any compensable injury, shall not extend for a period of more than five hundred (500) weeks, and provided that no compensation shall be paid to a major or minor dependent who did not reside within the United States at the date of the happening of the injury. Compensation due to beneficiaries shall be paid to the surviving spouse, if any, or if none, then divided equally among or for the benefit of the children. In cases where beneficiaries are a surviving widow and stepchildren of such widow the compensation shall be divided equally among all beneficiaries. Compensation due to major dependents where there be more than one, shall be divided equitably among them and likewise as to minor dependents, and the question of dependency and amount thereof shall be a question of fact for determination by the board.*"

Amending clause.

Compensation to run consecutively.

Proviso—maximum limitation.

Excluding foreign major and minor dependents.

Manner of payment.

Repealing
clause.

Section 8. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 10, 1955.

CHAPTER 254

An Act to Amend Section 32-1127, Revised Codes of Montana, 1947, Relating to Permits for Excess Size and Weight, by Providing for Discretion of Issuer Granting Special Permits; by Providing for Issuer to Limit or Prescribe Conditions of Operation of Vehicle or Vehicles on the Public Highways; by Providing for Special Permit Fees; by Providing That the Fees Shall be Remitted to the State Treasurer for Deposit in the State Highway General Fund; by Providing for Penalties for Violation of This Act; by Providing for Display of Permits; by Providing That the Permits May be Confiscated for Violations of This Act; Providing for a Hearing Thereon Before the State Highway Commission Upon Application; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That section 32-1127 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Permits for
excess size
and weight.

"32-1127. **Permits for Excess Size and Weight.** The state highway commission, and local authorities in their respective jurisdiction, may, in their discretion, upon application in writing and good cause being shown therefor, issue a special permit in writing, authorizing the applicant to operate or move a vehicle of a size or weight exceeding the maximum specified in this act upon any highway under the jurisdiction of and for the maintenance of which the body granting the permit is responsible; *provided, however, that no permits are to be issued for movement of vehicles carrying build-up or reducible loads in excess of nine (9) feet in width or exceeding the length, height, or weight specified in this act; provided, however, that no permits are to be issued for the moving of loads for any considerable distances over such highways when the loads in question are of such excess width that all traffic lanes*

Maximum
size limits.

upon the highway concerned would be blocked to the serious inconvenience of normal traffic; and further provided that no permits are to be granted for the moving of loads of such excess width that a hazard to traffic would be involved for any considerable distances over the highways concerned except to those applicants who carry public liability and property damage insurance for the protection of the traveling public as a whole. No permit shall be issued for a period of more than nine (9) months."

The applicant for any special permit shall specifically describe the vehicle or vehicles and load to be operated or moved, and the particular state highways for which permit to operate is requested and whether such permit is required for single trip or for continuous operation. All fees collected under this act shall be forwarded to the state treasurer for deposit in the state highway general fund.

Contents of
application.

(a) Special permits — discretion of issuer — conditions. The state highway commission or local authority is authorized to issue or withhold such special permit at its discretion, or, if such permit is issued, to limit the number of trips, or to establish seasonal or other time limitations within which the vehicle described may be operated on the public highways indicated, or otherwise to limit or prescribe conditions of operation of such vehicle or vehicles when necessary to assure against damage to the road foundation, surfaces or structures or safety of traffic and may require such undertaking or other security as may be deemed necessary to compensate for injury to any roadway or road structure.

Special permits.

Commission
discretion.
Conditions.

(b) Special permits — fees. The following fees, in addition to the regular license and gross vehicle weight fees, shall be paid for all movements under special permits on the public highways under the jurisdiction of the state highway commission:

Fees.

Three dollars (\$3.00) for each permit issued in excess of the size and weight specified in this act: provided, however, that term or blanket permits shall not be issued for overwidth loads in excess of fifteen (15) feet, overlength loads in excess of seventy (70) feet, and overheight loads in excess of a limit determined by the highway commission. Loads in excess of these dimensions will be limited to trip permits.